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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

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9 DEBBY SEVANT,

10 Petitioner,

11 vs.

12 SHERYL FOSTER, et al.,

13 Respondents.

Case No. 2:14-cv-00531-JCM-VCF

**ORDER**

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15 The court determined that the petition for a writ of habeas corpus pursuant to 28 U.S.C.  
16 § 2254 (#8) had defects in its allegations, and the court gave petitioner the opportunity to file an  
17 amended petition to correct those defects. Order (#8). Petitioner has not complied with the court's  
18 order within the allotted time. The court will dismiss the action

19 This action does not toll the one-year period of 28 U.S.C. § 2244(d). *Duncan v. Walker*, 533  
20 U.S. 167, 181-82 (2001). If petitioner files a new federal habeas corpus petition, then she is  
21 responsible for ensuring that it is timely.

22 Reasonable jurists would not find the court's conclusions to be debatable or wrong, and the  
23 court will not issue a certificate of appealability.

24 IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice. The  
25 clerk of the court shall enter judgment accordingly.

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1 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.  
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4 DATED: November 14, 2014.  
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10 JAMES C. MAHAN  
11 United States District Judge  
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